

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DELBERT M. GREENE,

Petitioner,

vs.

E.K. MCDANIEL, *et al.*,

Respondents.

3:09-cv-00601-ECR-VPC

ORDER

This represented habeas matter under 28 U.S.C. § 2254 comes before the Court for initial review of the third amended petition (#28) pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Following said review, the Court concludes that any procedural defenses and/or merits issues may be more efficiently resolved following the filing of a response by the respondents. Accordingly, a response will be ordered.

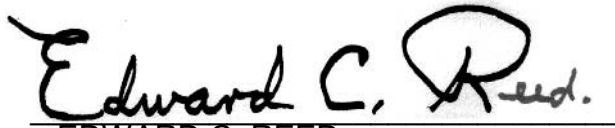
IT THEREFORE IS ORDERED that the respondents shall have sixty (60) days from entry of this order within which to answer, or otherwise respond to, the third amended petition, including by motion to dismiss.

IT FURTHER IS ORDERED that, with any motion to dismiss or answer filed, the respondents, to the extent that the materials are not already on file, shall file copies of the state court record materials that are relevant and material to the procedural defenses asserted therein and/or to consideration of the merits of the petitioner's claims as to which dismissal is sought on the merits, including, if not filed previously, the items listed in Rule 5(d) of the Rules Governing Section 2254 Cases.

1 IT FURTHER IS ORDERED that any state court record exhibits filed by either party
2 shall be filed with a separate index of exhibits identifying the exhibits by number or letter. The
3 CM/ECF attachments that are filed further shall be identified by the number or numbers (or
4 letter or letters) of the exhibits in the attachment. *Cf.* No. 3:06-cv-00129-LRH-VPC, ## 20-27.
5 The purpose of this provision is so that the Court and any reviewing court thereafter will be
6 able to determine from the face of the electronic docket sheet which exhibits are filed in which
7 attachments. In short, the parties shall not file exhibits in a manner that requires this Court
8 or a reviewing court to go "fishing" through multiple unmarked attachments to find specific
9 exhibits. **Given the anticipated volume of any additional state court record materials**
10 **filed in this case, there is no need to provide the Court with a hard copy of any such**
11 **materials via the staff attorney in Las Vegas.**

12 IT FURTHER IS ORDERED that the petitioner shall have thirty (30) days from service
13 of the answer, motion to dismiss, or other response to file an opposition to a motion to dismiss
14 or a reply to an answer.

15 DATED: June 27, 2011.

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19 EDWARD C. REED
United States District Judge